

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KENNETH PAPINEAU and VERONICA PAPINEAU,  
OLIVER HILL, and SUMMER ROCKWELL,

Plaintiffs,

vs.

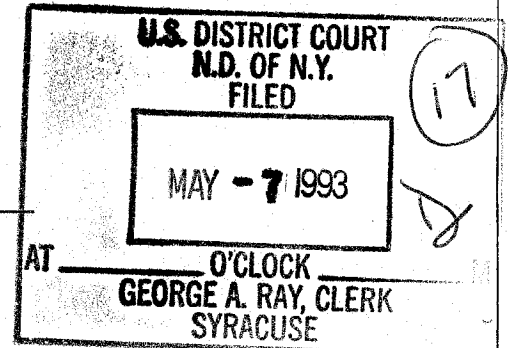
JOHN DILLON, Individually and as Sheriff  
of Onondaga County and THE COUNTY OF  
ONONDAGA,

Defendants.

STATE OF NEW YORK)  
COUNTY OF ONONDAGA) ss.:

JOHN C. DILLON, being duly sworn deposes and states as  
follows:

1. I am the duly elected Sheriff of Onondaga County.
2. I have served continuously as the Sheriff of  
Onondaga County since January 1, 1978.
3. Shortly after assuming my office, I started  
negotiations with the Chiefs of the Onondaga Nation  
Territory (Territory) to arrive at a working procedure for  
operations by the Onondaga County Sheriff's Department  
(Department) on the Territory.
4. In 1979, the first such procedure was reached and  
operations on the Territory were able to be carried out in a  
manner that allowed the Department to discharge its  
responsibilities consistent with State law without  
generating concern about interference with the sovereignty  
of the Onondaga Nation.



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93-CV-491

ORIGINAL

5. Since 1979, this procedure has been discussed numerous times with the Onondaga Chiefs and various changes have been made from time to time.

6. Every such change has resulted from a good faith effort by the Onondaga Chiefs and myself to provide effective police services to the unique community comprising the Territory.

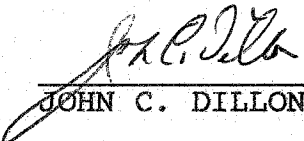
7. It has always been the position of this Department that we have criminal jurisdiction on the Territory.

8. Due to the complex and dynamic nature of the relationship between this Department and the Territory, as embodied by myself and the Council of Chiefs respectively, not every procedure of this policy has been reduced to writing. Some procedures remain unwritten but tacitly understood between the Chiefs and myself.

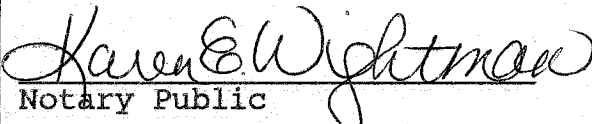
9. One such procedure relates to permission to enter onto the Territory. It has been understood for the last several years, between the Onondaga Chiefs and myself that in any truly life threatening situation this Department's response can, must and will continue onto the Territory and will not be delayed while permission is obtained. The Council of Chiefs designated representative will be notified of any such entry.

10. Upon information and belief, up to this time this unwritten understanding has not caused any problem. Permission has never been withheld in an emergency situation and in those non-emergency situations when permission has not been obtainable, alternate procedures have been utilized.

11. I have issued an updated version of the subject procedures which include previously undocumented provisions. (See Exhibit A).

  
\_\_\_\_\_  
JOHN C. DILLON

Sworn to before me  
this 6th day of May, 1993.

  
\_\_\_\_\_  
Notary Public

KAREN E. WIGHTMAN  
Notary Public State of N.Y.  
Qual. Onon. Co., No. 4840248  
My Comm. Exp. April 30, 1995

EXHIBIT "A"

ONONDAGA COUNTY SHERIFF'S DEPARTMENT

WRITTEN DIRECTIVE

ORDER TYPE: General Order  
DATE OF ISSUE: 5 May 1993  
EFFECTIVE DATE: 5 May 1993  
CANCEL ON:

ORDER NUMBER: G-D-1009-93  
ORDER RESCINDED: SOP-C-4001-88  
ORDERS AMENDED:

SUBJECT: Onondaga Nation Response

AUTHORITY: Sheriff J.C. Dillon

INDEX REFERENCE: Reservation, Response To DISTRIBUTION: All Personnel

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This order consists of the following numbered sections:

- .00 TITLE
- .01 PURPOSE
- .02 POLICY
- .03 NORMAL PATROL OPERATIONS
- .04 CALLS FOR SERVICE
- .05 FOLLOW-UP INVESTIGATIONS
- .06 ARRESTS/WARRANTS PROCEDURE
- .07 NOTIFICATIONS

.00 TITLE

S.O.P. Onondaga Nation Response

.01 PURPOSE

This order supercedes all previous orders and memoranda regarding Sheriff's Department responses to the Onondaga Nation.

.02 POLICY

The Onondaga County Sheriff's Department, in accordance with provisions of Federal Law and the Treaty of the Six Nations, in attempting to maintain the established peace and friendship with the Onondaga Nation and allow its members the free use and enjoyment of their lands, has established this standard operating procedure for response to incidents which occur on the Onondaga Nation.

.03 NORMAL PATROL OPERATIONS

- a) There shall be no normal patrol operations within the Onondaga Nation.
- b) Pursuits of non-indians may continue onto the Nation with permission of one of the Chiefs. Pursuing patrols shall proceed with extreme caution. Pursuits of Nation inhabitants shall cease at the Nation boundary. A warrant for the individual shall be obtained if possible.

- c) If an emergency response requires travel through the Nation, the patrol shall use emergency lights and drive with extreme caution. The siren shall not be used.

#### **.04 CALLS FOR SERVICE**

- a) Sheriff's Department patrols shall respond to calls for service on the Onondaga Nation. A Nation Chief, as listed in section .07, will be asked for permission to respond onto the Nation. It should be noted that at times a large number of residents may gather to observe investigations. This is a requirement of tribal law and may be cause for caution but not alarm. The Nation requires residents to observe and report all matters to the Chief of the Nation.
- b) If a complainant/victim of any type incident meets with a Deputy off of the Onondaga Nation property, notification to a Nation Chief is not necessary. This would include (should it occur) any case where permission to enter the Nation is not received and a complainant is notified and asked to meet with a Deputy off of the Nation.
- c) Alarm Calls: Upon receipt of an alarm activation, patrols will respond to the Onondaga Nation line. The Chiefs will be notified for permission to continue. If permission is denied, the patrols are to clear code 9 on an M.I.R. and return to routine patrol, except as provided in paragraph e), below.
- d) Accidents: PDAA's and PIAA's occurring on U.S. Route 11 at Quarry Road (Route 81 exit) or entrance will be responded to upon receipt. The Watch sergeant or lieutenant shall also be advised and an attempt made to contact the chiefs as listed.
- e) For any in progress incident involving a threat to life or serious injury to an individual, a response to the incident scene will be initiated immediately. Responding deputies will continue their response to the scene while normal notification procedures are followed in the above situation. Permission to enter Nation territory is not required prior to entering the Nation.

#### **.05 FOLLOW-UP INVESTIGATIONS**

A Nation Chief shall be contacted for permission before a follow-up investigation on the Nation commences. Follow-ups that are conducted off Nation land do not require any notifications.

#### **.06 ARREST/WARRANT PROCEDURE**

If a suspect is identified during an investigation, a Nation Chief may be requested to surrender the suspect for prosecution. If the Chief surrenders the suspect, he shall be processed per normal procedures. If the council decides not to surrender a suspect and the complainant still desires prosecution and all the elements of a crime are met, a warrant shall be obtained as soon as practical after a suspect has been identified. It is not necessary to obtain permission from a Nation Chief to obtain a warrant. Warrants shall be forwarded to the Warrants Investigation Unit for processing and follow-up.

**.07 NOTIFICATIONS**

- a) The E-911 Control Center shall, during office hours, notify the Sheriff or Undersheriff of all responses or incidents related to the Onondaga Nation that are or reasonably expected to be of extenuating circumstances. At all other times the Department Duty Commander shall be notified and he shall be responsible for Sheriff and Undersheriff Notifications. (Sheriff - hm #478-8208, page #441-6800, radio 4799) (Undersheriff - hm #487-1750, page #441-4901, radio 4798).
- b) Those persons to call regarding Nation responses are:

	<u>Cell Phone</u>	<u>Home #</u>
Chief Edwin Cook	436-2891	469-1875
Chief Ollie Gibson	447-6763	469-8814
Chief Leon Shenandoah	447-8362	469-8507
Chief Paul Waterman		446-3965 (City)
		469-8505 (Daughters)
Chief Irving Powless, Jr.	447-6784	492-4210
Chief Norman Powless		469-0257
Chief Ambrose Gibson		492-6738
Chief Vince Johnson		677-7786

This list shall not be amended without the permission of the Sheriff.